

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Martha Jane Toy, individually, and as Executrix and Personal Representative of the Estate of Russell B. Toy, deceased,	)	
	)	
Plaintiff,	)	
	)	
v.	)	05-00760 (JJF)
	)	
Plumbers & Pipefitters Local Union No. 74 Pension Plan,	)	
Trustees of Plumbers & Pipefitters Local Union No. 74 Pension Plan, Health and Welfare Plan, Local 74, Welfare Benefit Plan,	)	
Life Insurance Plan, Local 74, Welfare Benefit Plan, Life Insurance Plan, Local 74, Insurance Plan, Administrators of Pension and Welfare Plans, Trustees of Plumbers & Pipefitters Local Union No. 74 Welfare Plan, Plan Administrator of Pension & Welfare Plans, Insurance Plans, and Health and Welfare Benefit Plan,	)	NOTICE OF APPEAL
	)	
Defendants.	)	

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Plumbers & Pipefitters Local Union No. 74 Pension Plan and the Plumbers & Pipefitters Local Union No. 74 Welfare Plan, defendants in the above-captioned matter, hereby appeal to the United States Court of Appeals for the Third Circuit from the Order (D.I. 61) and Memorandum Opinion (D.I. 60) entered in this action on July 23, 2007 insofar as it denied Defendants' Motion for Attorneys' Fees.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Timothy J. Snyder (Del. Bar No. 2408)  
Curtis J. Crowther (Del. Bar No. 3238)  
D. Fon Muttamara-Walker (Del. Bar No. 4646)  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19899-0391  
(302) 571-6600  
(302) 571-1253/fax

*Attorneys for Defendants*

Dated: August 22, 2007

**CERTIFICATE OF SERVICE**

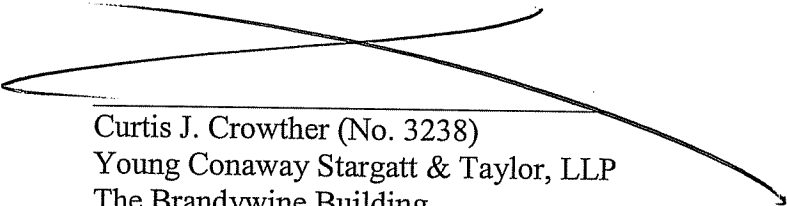
I, Curtis J. Crowther, Esquire hereby certify that on this 22nd day of August, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

John M. Stull, Esq.  
1300 North Market Street, Suite 700  
Wilmington, DE 19899

I further certify that on this 22nd day of August, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above listed counsel of record and on the following non-registered participant in the manner indicated below:

**BY REGULAR MAIL**

William B. Hildebrand, Esq.  
The Law Offices of William B. Hildebrand, LLC  
1040 N. Kings Hwy, Suite 601  
Cherry Hill, NJ 08034



Curtis J. Crowther (No. 3238)  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19899-0391  
(302) 571-6600  
ccrowther@ycst.com

*Attorneys for Defendants*